John E. Freund, Esq.
Pa. I.D. No. 25390
Lucas J. Repka, Esq.
Pa. I.D. No. 93509
One West Broad Street
Suite 700
Bethlehem, Pennsylvania 18018
Attorneys for Defendants,
The School District of Lebanon, Neil Young, and Maryanne Bartley

## UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEENAN AND KIM KENNEDY, P/N/G of : NO. 11-0382

T.N., a minor,

Plaintiffs,

v.

:

: The Honorable John E. Jones, III

THE SCHOOL DISTRICT OF LEBANON,

NEIL YOUNG, individually and

in his official capacity, MARYANNE

BARTLEY, individually and in her official capacity,

THE GOOD SAMARITAN HEALTH SERVICES

FOUNDATION OF LEBANON, and JOHN DOES

1-10,

Defendants.

## MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) FILED BY THE SCHOOL DISTRICT OF LEBANON, NEIL YOUNG, AND MARYANNE BARTLEY

AND NOW comes the School District of Lebanon, Neil Young, individually and in his official capacity, and Maryanne Bartley, individually and in her official capacity, above-captioned Defendants, by and through their counsel, King, Spry, Herman, Freund & Faul, LLC, to move for dismissal of the First Amended Complaint filed by Kennan and Kim Kennedy, as parents and natural guardian of T.N., a minor, above-captioned Plaintiffs, based on their failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). The School District of Lebanon, Neil Young, individually and in his official capacity,

and Maryanne Bartley, individually and in her official capacity, will file a Brief in Support of the instant Motion to Dismiss in accordance with Local Rule 7.5.

Respectfully Submitted,

KING, SPRY, HERMAN, FREUND & FAUL

By: /s/ John E. Freund, III

John E. Freund, Esq.
Pa. I.D. No. 25390
Lucas J. Repka, Esq.
Pa. I.D. No. 93509
One West Broad Street
Suite 700
Bethlehem, Pennsylvania 18018
Attorneys for Defendants,

The School District of Lebanon, Neil Young, and Maryanne Bartley

Dated: June 20, 2011

## UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEENAN AND KIM KENNEDY, P/N/G of NO. 11-0382

T.N., a minor,

Plaintiffs,

v.

CITY OF LEBANON, THE SCHOOL DISTRICT OF LEBANON, NEIL YOUNG, individually and

in his official capacity, MARYANNE

BARTLEY, individually and in her official capacity, : The Honorable John E. Jones, III

THE GOOD SAMARITAN HEALTH SERVICES FOUNDATION OF LEBANON, and JOHN DOES

1-10,

Defendants.

## **CERTIFICATE OF SERVICE**

I, hereby certify, that I served a true and correct copy of the Motion to Dismiss Plaintiffs' First Amended Complaint filed by the Lebanon Area School District, Neil Young, and Maryanne Bartley, pursuant to Federal Rule of Civil Procedure 12(b)(6), has been filed electronically and is available for viewing and downloading from the ECF system. The document has been served electronically on the following counsel of record, except where noted:

Mathew B. Weisenberg Weisberg Law, P.C. 7 South Morton Avenue Morton, Pennsylvania 19070 Attorney for Plaintiffs

Michael C. Mongiello Marshall, Dennehey, Warner, Colman & Goggin 4200 Crums Mill Road, Suite B Harrisburg, Pennsylvania 17112

Attorney for Good Samaritan Health Services Foundation

By: /s/ John E. Freund, III

John E. Freund, III, Esquire Pa. I.D. No. 25390

One West Broad Street

Bethlehem, Pennsylvania 18018

Phone: (610) 332 – 0390 (610) 332 - 0314

Date: June 20, 2011 Fax: